

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: Gerlens Cesar, Boston, Massachusetts, File Nos. EB-MC-00000049, EB-FIELDNER-17-00024874, EB-FIELDNER-17-00025344, EB-FIELDNER-19-00029169

Traditionally I tend to avoid statements on NALs, but this issue is close to my heart and worthy of a few comments.

During my tenure at the FCC, I've had the pleasure of spending time with members of our field offices on multiple occasions, and I can say with great appreciation that these dedicated and hardworking colleagues are fully committed to enforcing our regulations on the front lines. For those joining us today, I want to say thank you again for all your hard work and effort. Along with a wide variety of other interference and public safety investigations, the plague of pirate radio operations continues to persist for the FCC field offices overseeing certain radio markets. Yet, the staff members relentlessly pursue these rogue, illegal actors. It is incumbent upon the Commission to support our field staff by doing our part to make headway on this problem, and we help to do so with these actions.

Today, we consider two NALs affecting the greater Boston radio market that have been several years in the making – yes, *years* in the making. I hope it is a sign of further action to come and certainly should represent a heightened sense of urgency within the Enforcement Bureau and Office of General Counsel regarding this significant problem. As the Chairman knows well, pirates not only harm legitimate broadcasters and their listeners in multiple ways, but also put their own audiences at risk by failing to broadcast any emergency alerts or abide by consumer protection regulations. The cases we consider today demonstrate the shameless level of disregard for the law that many pirates embody. While we may never see one dollar from these illegal operators under future forfeiture actions if we go that far, our goal must be to use our enforcement authority to help shut down the perpetrators, those aiding and abetting, and any landlord willing to house such activities.

These cases also demonstrate some of the challenges that confront the Commission in pursuing pirates, beyond the time and cost it takes to build a case against them. For one, the cap on liability severely limits our ability to take action against outlaw broadcasts. Compare the proposed assessed forfeitures in these pirate radio cases, which are in the thousands, to the multi-million dollar proposed assessment in another enforcement action we will consider later today. Perhaps the Commission can consider taking a broader view of what constitutes a “single act or failure to act,” as we have in the past in other instances. Is there a way to treat a pirate “station” that only operates on the weekends as the perpetrator of multiple separate illegal acts? In the meantime, I will continue to work with interested members of the House and Senate to complete passage of new legislation that will directly aid the Commission and its field office staff in their pursuit of these scofflaws.

In addition to increasing the amount of the forfeitures, which would help attract the attention of the Department of Justice in collecting fines and prosecuting these cases, it would be well worth the effort to pursue options to speed up the enforcement process. Once identified, cases materializing to the NAL stage seem to drag on a bit too long. Increasing DC staff resources could be one way to expedite the process.

I can tell you from first hand observation that many pirate operators are relatively well-known in their communities and that our field staff do a tremendous job investigating these cases and keeping tabs on those breaking the law. Yet, the number of illegal operators seems to remain consistent. As we continue to pursue the creation of additional tools, I am very pleased to see us move forward today and act on two well-known perpetrators in Boston. I applaud the Bureau staff and field agents for their work on this matter.